

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 3, 2008. In the Office Action, Claims 1-29 were rejected. In order to expedite prosecution of this Application, Applicant amends Claims 1, 12, 17, and 26-28. Claims 7, 13, and 20 are canceled. Support for the amendment can be found in the Specification at least on page 7, ll. 29-33 and original Claims 7, 13, and 20. Claims 1-6, 8-12, 14-19, and 21-29 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 103 REJECTIONS

Claims 1-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Publication No. 2003/0193619 issued to Farrand (hereinafter "*Farrand*") in view of U.S. Patent No. 6,131,136 issued to Liebenow (hereinafter "*Liebenow*"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 12, 17, 26, and 29 are independent. Applicant respectfully submits that each of independent Claims 1, 12, 17, 26, and 29 are patentable over the cited references. For example, independent Claim 1 recites "the sink component adapted to automatically select at least one of a plurality of available types of communication networks for obtaining the AV program data and the AV menu data stream from the source component based on a type of the source component" (emphasis added). *Farrand* appears to disclose a system and method for speculative tuning (*Farrand*, Abstract). *Farrand's* system, as stated by the Examiner in the Office Action on page 3, appears to comprise of wire or wireless communication (See *Farrand*, par. [0061], "The network interface 605, which may be an RF interface or a terrestrial interface (e.g., Ethernet), receives/transmits multimedia content and control data from/to the home media server 110 over the home media network 190) (emphasis added). Thus, *Farrand* appears to disclose that either one or the other (wired or wireless) networks is connected to a particular component, but not both. *Farrand* is devoid of any disclosure or suggestion in which both wireless and wired communication networks are

connected to a sink component for obtaining the AV program data and the AV menu data stream from the source component. Therefore, even if, *arguendo*, *Farrand* discloses a sink component, which Applicant disagrees, *Farrand's* sink component cannot be adapted to select at least one of a plurality of available types of communication networks for obtaining the AV program data and the AV menu data stream from the source component based on a type of the source component because *Farrand* does not appear to disclose or even suggest that a plurality of available types of communication networks exists in which a selection can be made. The Examiner appears to provide support for Applicant's argument in rejecting original Claim 7 which also recites "the sink component comprises a network manager adapted to select at least one of a plurality of available types of communication networks." In rejecting Claim 7, the Examiner states "e.g., if home media server 110 does not have wireless capability, the sink component can only communicate with wire network" (Office Action, p. 8) (emphasis added). Thus, the Examiner has tacitly admitted that *Farrand* does not appear to disclose or even suggest "select[ing] at least one of a plurality of available types of communication networks" as recited in Claim 1 because if the home media server does not have wireless capability then a plurality of available types of communication networks does not exist and "the sink component can only communicate with wire network" (emphasis added).

In addition, *Liebenow* does not appear to disclose or even suggest that "the sink component [is] adapted to automatically select at least one of a plurality of available types of communication networks based on a type of the source component" as recited in Claim 1 (emphasis added). *Liebenow* appears to disclose a dual mode modem for automatically selecting between wireless and wire-based communication modes. *Liebenow* appears to disclose that switching between the wireless and wire-based communication modes is based on detection of a wire-based communication network (*Liebenow*, Abstract). *Liebenow* is devoid of any disclosure or suggestion in which the automatic selection between wireless and wire-based communication modes is dependent upon a type of a source component. Because neither reference alone or in combination appears to disclose or even suggest that the sink component is adapted to select at least one of a plurality of available types of communication networks based on a type of the source component, much less performing this feature automatically, no *prima facie* case of obviousness can be established against Claim 1. Accordingly Applicant respectfully submits that Claim 1 is patentable over the cited references.

Further, rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Teleflex Inc. v. KSR Int'l Co.*, 550 U.S. at 1, 82 USPQ2d at 1396 (2007). The Examiner has not presented a *prima facie* case of obviousness because the Examiner has not provided some articulated reasoning with *some rational underpinning* to support the legal conclusion of obviousness. The Examiner has merely stated that it would have been obvious to provide the automatically network switch as taught by *Liebenow* to the home network system of *Farrand* because "both of the function are performed without intervention by the user, and more easy to use (see col. 2 lines 5-8)" (Office Action, page 6). The Examiner has not articulated a reason with some *rational underpinning* to support the legal conclusion of obviousness. Instead, the Examiner has merely quoted a section out of *Liebenow's* disclosure. Merely quoting a purported advantage stated in *Liebenow's* disclosure does not provide an articulated reason with some *rational underpinning* to support the legal conclusion of obviousness as to why one of ordinary skill in the art would have combined the cited references. In addition, Applicant has shown that *Farrand* appears to disclose that the various devices communicating with the home media server 110 is configured with either a wireless interface or a wired interface. Therefore, because *Farrand* appears to disclose devices having only one communication interface, *Farrand* does not appear to disclose or even suggest a need to be able to automatically switch between communication networks. Thus, *Liebenow's* device would provide no additional benefit to *Farrand's* system as disclosed. Further, *Farrand* appears to disclose that a determination may be made on whether a device has a wireless interface or a wired interface based on the proximity and/or bandwidth required in communicating with the home media server (*Farrand*, par. [0058]). Thus, *Liebenow's* dual mode modem appears to add unnecessary costs to devices that appear to not have a need to switch between wireless and wired communication networks, much less requiring automatic switching capabilities, because the method of communication for a particular device appears to be fixed by it's location and/or bandwidth requirement and appears unlikely to change. For all the above stated reasons and because the Examiner has not provided some articulated reasoning with *some rational underpinning* to support the legal conclusion of obviousness, Applicant respectfully submits that no *prima facie* case of obviousness has been established against Claim 1. For this additional reason, Applicant respectfully submits that Claim 1 is patentable over the cited references.

Independent Claim 12 recites "means disposed on the sink component for automatically selecting at least one of a plurality of available types of communication networks for communicating between the sink component and the source component based on a type of the source component" (emphasis added). Thus, at least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claim 12 is patentable over the cited references.

Independent Claim 17 recites "automatically selecting at least one of a plurality of available ~~different~~ types of communication networks for communicating between the sink component and the source component based on a type of the A/V program data" (emphasis added). For at least the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claim 17 is patentable over the cited references. In addition, neither *Farrand* nor *Liebenow* alone or in combination appears to disclose or even suggest automatically selecting [...] based on a type of the A/V program data. *Liebenow* does not appear to disclose or even suggest that the dual mode modem automatically selects based on a type of the A/V program data. Because *Farrand* does not appear to disclose or even suggest any type of selection, much less automatic selection, *Farrand* inherently cannot disclose or even suggest the limitation of automatically selecting [...] based on a type of the A/V program data. The Examiner appears to equate buffering data and bandwidth allocation to the above limitation (Office Action, page 8) (see pars. 0121, 0122). However, buffering data and bandwidth allocation does not disclose or even suggest the limitation of "automatically selecting at least one of a plurality of available different types of communication networks for communicating between the sink component and the source component based on a type of the A/V program data" (emphasis added). Thus, even if the Examiner provided some articulated reasoning with *some rational underpinning* to support the legal conclusion of obviousness, which Applicant respectfully disagrees, the combination of *Farrand* and *Liebenow* would still not disclose or even suggest the limitation of automatically selecting at least one of a plurality of available ~~different~~ types of communication networks [...] based on a type of the A/V program data. Accordingly, Applicant respectfully submits that Claim 17 is patentable over the cited references.

Independent Claim 26 recites "a sink component configured to be communicatively coupled between a plurality of source components and a presentation device for displaying an aggregated listing of available A/V program data associated with the plurality of source

components on the presentation device such that the location of the AV program data remains transparent to the user" (emphasis added). Neither *Farrand* nor *Liebenow*, alone or in combination, appears to disclose or even suggest a sink component configured to be communicatively coupled between a plurality of source components. Even if, *arguendo*, *Farrand* discloses a sink component, which Applicant disagrees, *Farrand's* sink component as asserted by the Examiner appears to be couple to single source component (home media server 110) (Office Action, p. 3). *Liebenow* does not appear to remedy at least this deficiency of *Farrand*. Further, neither *Farrand* nor *Liebenow*, alone or in combination, appears to disclose or even suggest " displaying an aggregated listing of available AV program data associated with the plurality of source components on the presentation device such that the location of the AV program data remains transparent to the user" (emphasis added). Accordingly, Applicant respectfully submits that Claim 26 is patentable over the cited references.

Independent Claim 29 recites "automatically select from at least two different types of communication networks for transferring the AV program data from the source component based on a type of AV program data desired from the source component." (emphasis added). For at least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claim 29 is patentable over the cited references.

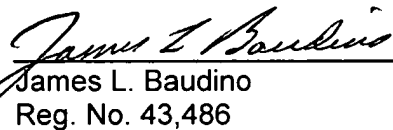
Claims 2-6, 8-11, 14-16, 18, 19, and 21-25, 27-28 that depend respectively from independent Claims 1, 12, 17, and 26 are also patentable over the cited references at least because they incorporate the limitations of respective Claims 1, 12, 17, and 26 and also add additional elements that further distinguish over the combination of *Farrand* and *Liebenow*. Therefore, Applicant respectfully requests that the rejection of Claims 2-6, 8-11, 14-16, 18, 19, and 21-25, 27-28 be withdrawn. Consequently, Applicant respectfully submits that Claims 1-6, 8-12, 14-19, and 21-29 are patentable over the cited references.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

An RCE filing fee of \$810.00 is believed due. The Director of Patents and Trademarks is hereby authorized to charge Deposit Account No. 08-2025 of Hewlett-Packard Company in the amount of \$810.00 to satisfy the RCE filing fee. If, however, Applicant has miscalculated the fee due with this RCE, the Director is hereby authorized to charge any fees or credit any overpayment associated with this RCE to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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